

Appl. No. 10/827,087
Atty. Docket No. 9607
Amendment dated April 10, 2006
Reply to Office Action of December 8, 2005
Customer No. 27752

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include amended Figures 1 - 6. These sheets replace each of those originally filed with the patent application.

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REMARKS

Claim Status

Claims 1 - 13 are pending in the present application. No additional claims fee is believed to be due.

Claims 1 and 13 have been amended to more clearly recite the nature of the invention. That is, in certain embodiments the central graphic is hidden by the background graphic and becomes visible or is revealed upon wetting. Support for the amendment is found at page 11, lines 30-31 of the specification.

The specification has also been amended at pages 2, 11, and 12 to include a clearer description of the amended drawings that are presented in the replacement sheets of original FIGURES 1-6 with FIGURES 1A and 1B, FIGURES 2A and 2B, FIGURES 3A and 3B, FIGURES 4A and 4B, FIGURES 5A and 5B, and FIGURES 6A and 6B. Amendments made to the specification find support in the claims as originally filed.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Objections to Drawings

The drawings have been objected to under 37 CFR §1.83(a). The Office states that the drawings must show every feature of the invention specified in the claims including the physical structure of the absorbent article, including the topsheet, backsheet, absorbent core and the wetness indicator's relationship to these elements must be shown or the feature(s) canceled from the claim(s).

In order to address this objection, Applicants have replaced and renumbered each of the six Figures of the originally filed patent application to include reference to the absorbent article, the topsheet, backsheet, absorbent core, and the wetness indicator both prior to wetting and after wetting. Support for these amendments to the respective drawings may be found in the claims as originally filed. With these amendments, the objection is addressed and should be removed.

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Rejection Under 35 USC §102

Claims 1 and 8 are rejected under 35 USC §102(b) as being anticipated by Pierce et al. (WO 00/76438 A2) (hereinafter "Pierce"). The Office points out that reference teaches a disposable absorbent article and method of making the same comprising a liquid pervious topsheet, a liquid impervious backsheet that is partially joined to the topsheet, an absorbent core disposed at least partially between the topsheet and the backsheet, and a wetness indicator disposed between the core and the backsheet and in liquid communication with the core; the wetness indicator comprising a central graphic and a background graphic wherein the background graphic comprises at least one responsive color composition and that, upon wetting, exhibits a visible change that is selected from the group consisting of a color change, a graphic change, and combinations thereof. Moreover, the Office reasons that Pierce teaches a second color change element as well. Applicants respectfully traverse this rejection.

Pierce is directed to a disposable absorbent article that includes active graphics that can change color during use and can provide an interactive training aid. In particular, the reference relates to an absorbent article comprising: an outer cover having an interior surface, an opposite exterior surface and a first color; an absorbent assembly disposed on the interior surface; and an active graphic disposed on the outer cover and comprising a color change composition, the active graphic having a pre-activation color different from the first color and a post-activation color substantially the same as the first color. Irrespective of these teachings, however, the reference fails to teach or suggest a graphic, like Applicant's central graphic, that is hidden by a background graphic. Rather, the reference teaches one more active graphics that when contacted with fluid appear or fade to match the color of the outer cover. There is no mention or teaching by Pierce that the background graphic disclosed therein hides the active graphic. Since there is no teaching or suggestion of this limitation that is required in both claims 1 and 8, there can be no anticipation under §102(b) by Pierce.

Rejection Under 35 USC §103(a) Over Pierce in view of Baker, Ball, and Ito

Claims 2-7 and 9-12 have been rejected under 35 USC §103(a) as being unpatentable over Pierce in view of Baker (USP 3675654), Ball (USP 4909879), and Ito et al. (USP 5595754).

The Office states that regarding claims 2-5, 9, 11, and 12, Pierce does not teach the specific types/forms of pigments, dyestuffs, solvents, or a varnish coating but points

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out that these components are commonly issued in a wide variety of combinations in textile graphics production and in changeable graphics/indicators in absorbent articles. Thus, the Office looks to Baker as teaching a varnish coating used to coat a moisture-actuated indicating agent, Ito et al. as teaching a non-aqueous solvent, and Ball as teaching the use of soluble dyestuff. The Office reasons that it would have therefore been obvious to one of ordinary skill in the art to add the component materials of the secondary references to make the graphics of Pierce in order to provide very well known components of graphics/indicator/dye formation. Applicants traverse this rejection as well.

As stated above, the Pierce reference alone fails to teach or suggest a central graphic that is hidden by a background graphic. Now, Baker relates to disposable diapers, sanitary napkins, bandages and the articles, comprising an absorbent pad disposed on a translucent back sheet of water impervious material contain a moisture-actuated indicating agent. The reference, however, does nothing to supplement Pierce's failure to teach or suggest a central graphic that is hidden by a background graphic. Similarly, Ito, which relates to a sheet for a pet animal to be used for checking urine of the pet animal for physical examination, does not remedy this failed teaching either. In fact, Ito's disclosure is in no way directed to the graphic inclusive absorbent articles of the present invention, let alone Applicant's specific combination of a central graphic that is hidden by a background graphic. Moreover, Baker discloses a process for marking a diaper fabric which comprises applying to the fabric one or more images by means of an ink jet printing technique during the fabrication of the diaper from its component materials. In a preferred embodiment, the reference teaches that the image is formed from a water-soluble dyestuff. Again, this reference also fails to teach or suggest the limitations missed by Pierce. That is, despite the reference's teaching of the use of a water-soluble dyestuff to form images on a diaper fabric, there remains no teaching or suggestion of the particular type of central graphic that is hidden by a background graphic as claimed by Applicants currently. It is clear that since this fundamental limitation is not taught or suggested by the primary or any one of the secondary references that the present invention could not have been rendered obvious at the time of its invention by a combination of the cited references.

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Conclusion

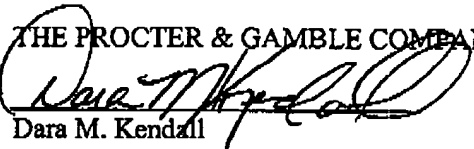
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under §§102(b) and 103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 - 13 is respectfully requested.

Respectfully submitted,

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APPENDIX
REPLACEMENT SHEETS